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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,822	09/05/2003	Wolfgang Kopold	85ER-00143	9422
76656	7590	11/12/2009		
Patent Docket Department Armstrong Teasdale LLP One Metropolitan Square Suite 2600 St. Louis, MO 63102-2740			EXAMINER SHUMATE, PAUL W	
			ART UNIT 3693	PAPER NUMBER
			NOTIFICATION DATE 11/12/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USpatents@armstrongteasdale.com

Office Action Summary

Application No.

10/656,822

Applicant(s)

KOPOLD ET AL.

Examiner

PAUL SHUMATE

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Status of Claims

1. This action is in reply to the communication filed on 9/5/2003.
2. Claims 1-59 are currently pending and have been examined.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim(s) 2, 3, 5-9, 12, 19, 28, 29, 36, 40, 41, 42, and 53 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2 and 3 recite limitations such as *storing information in an operating system* and *transmitting information from an operating system to a database*.

Specifically, claim 2, recites *wherein storing information in the database further comprises storing insurance information in an operating system*. First, it is unclear how one would “store information in an operating system” unless the information was part of the programming language code that makes up the operating system. An operating system is not a storage medium for information either. An operating system is an *interface* between hardware and user which is use for and responsible for the

management and coordination of activities and the sharing of computer resources. Therefore it would make sense to *use* an operating system to manage the movement of information from one data storage medium to another, and it would make sense to *use* the operating system to control the central processing unit to process information in a desired manner, but it does not make sense to store information in an operating system. Second, assuming that *storing information in an operating system* did make sense, it is still unclear if the intended *storing of information in an operating system* is suppose to replace *storing the information in the database*, or if the information in the database is suppose to be copied to the operating system, or moved to the operating system.

Similar to the issue regarding *storing information in an operating system* as discussed above, the limitation of *transmitting information from the operating system to a reporting database* is unclear as well. It would, however, make sense to use *the operating system* to coordination and manage the transmission of information from one storage medium to another (i.e. transferring information from a chip of RAM back to a hard drive, or from one hard drive to another).

Claim 5 recites *providing a plurality of accounting engines*. It is unclear to whom, for what, or why the plurality of accounting engines is *provided*.

Claim 6 recites *enabling the insurer to replace estimated numbers included within the insurance information with accounted numbers when the account numbers are reliable*. It is unclear how and when an accounted number *becomes* reliable and how the invention goes about determining *when* an accounted number is now considered reliable.

Claim 7 recites *wherein calculating at the accounting engines estimated results and accruals further comprises receiving insurance information at the plurality of accounting engines including an unearned premium engine*. First, it is unclear how the accounting engines are able to calculate estimated results and accruals *before* receiving insurance information at the plurality of accounting engines. Second, the examiner believes Applicant means that insurance information is received at a plurality of accounting engines, where the plurality of accounting engines includes *an unearned premium engine*. However, the way the limitation is written, it appears that the insurance information being received at the plurality of accounting engines *includes an unearned premium engine*, meaning that the *unearned premium engine* is part of the insurance information being received.

Claim 7 also recites *calculating premium and commission bookings*. It is unclear as to specifically what *premium bookings* and *commission bookings* are. The examiner believes that *calculating premium bookings* and *commission bookings* means calculating the numbers for premium and commission values which are to be entered into a balance sheet or general ledger for accounting purposes.

Claims 8 and 9 have issues similar to those of claim 7.

Claims 12, 25, and 36 recite *a portfolio per lossyear of insurance contracts*. It is unclear what a *portfolio per lossyear* is.

Further, claims 19, 28, 29, 40, 41, 42, and 53 recite similar limitations which parallel limitations of claims shown above, and are therefore rejected for the reasons explained above.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim(s) 1-59 rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan et al., U.S. Patent No.: 5,590,037, in view of Official Notice.

Independent claims are examined together, since they are not patentable distinct. If applicant expressly states on the record that two or more independent and distinct inventions are claimed in a single application, the Examiner may require the applicant to elect an invention to which the claims will be restricted.

Ryan teaches a system and method for computing financial analysis and projections of estimated book accruals, losses, cash flows, etc relating to the balance sheet for a business or corporation in accordance with reporting requirements established by the Financial Accounting Standards Board under Generally Accepted Accounting Principles which require the use of accrual accounting methods (see at least the abstract, column 1 lines 8-11, column 1 lines 31-39, column 3 lines 17-22, and column 7 lines 55-60).

More specifically, Ryan teaches:

- storing information in a database, wherein the information includes at least one of business information, insurance contract/policy information, and financial projection information, and wherein the information is related to at

least one of premiums, commissions, insurance policies, contracts, accounting bookings, claims, accounts receivable data, accounts payable data, operating metrics, cash flow data, financial statements, capital structure, income statements, collateral data, guarantors, claims, accruals, losses, and other information relating to financial conditions and projections of at least one of a business, insurance policies, and other investments, assets, or liabilities which may be recorded in a general ledger for accounting purposes. (see at least column 1 lines 15-19, column 3 lines 39-50, column 5 lines 48-50, column 7 lines 63-65, column 11 lines 20-26, and column 11 lines 44-52)

- transmitting the information from the database to the accounting engines and calculating at the accounting engines financial projections such as estimated results and accruals insurance contracts in accordance with predetermined accounting principles; (see at least column 1 lines 15-19, column 1 lines 39-50, column 3 lines 17-22, column 4 lines 64-67, column 7 line 56 to column 8 line 4, column 8 lines 11-15, column 8 lines 48-54, column 11 lines 23-24, column 12 lines 16-19, column 12 line 42, column 13 lines 24-27 and claim 12)
- generating entries for recording in a general ledger based on the financial projections and estimated results and accruals and recording the entries in the general ledger of the insurer (see at least column 1 lines 39-50, column 3 lines 17-22, column 3 lines 45-48, and claim 12)

Ryan does not specifically teach that there are *multiple* accounting engines/processors or that the information used to calculate financial projections, accruals, losses, etc is *transmitting to a plurality of accounting engines*. The examiner takes Official Notice that it is old and well known in the art to use multiple processors in computing systems to improve performance by not only increasing the number of processors but also by configuring and using specialized/special purpose processors that are designed to run certain calculations faster and more efficiently than a general purpose processor would. It would have been obvious at the time the invention was made to include a plurality of processing engines into the system and method taught by Ryan since doing so would improve processing speeds which translates into improved performance of system as a whole.

Brady further teaches reconciling book calculations information (see at least column 21 lines 31-34) and that calculating financial projections and accruals regarding life insurance policies includes receiving and using data, statistics, calculations, and estimations from underwriters and actuarials (see at least column 3 lines 18-19, column 7 lines 44-45, column 12 lines 14-19, and column 11 lines 42-49)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL SHUMATE whose telephone number is (571)270-1830. The examiner can normally be reached on M-F 9:00 AM - 5:00 PM, EST alt Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James A. Kramer/
Supervisory Patent Examiner, Art Unit 3693

Name: Paul W. Shumate
Title: Patent Examiner
Date: 8/31/2009
Signature: /Paul Shumate/
Examiner, Art Unit 3693